

REMARKS

Claims 1-59, 67, 75-81, 96, 108, 114, 124, 126 and 128 have been canceled in this paper. Claims 68 and 73 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 60-66, 68-74 and 82-95 are pending and are under active consideration.

Claims 60-75 and 82-95 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Doyel or Mooney et al.” In support of the rejection, the Patent Office states the following:

Doyel and Mooney et al. disclose tools for attaching articles of clothing together or articles of commerce; i.e. tags to clothing using flexible plastic fasteners comprising a retaining element at one end and an inserting element at the other end. However, Doyel and Mooney et al. lack the specific use of the tools as well as disclosure as to the specific fastener configuration. Since it is well known to attach like garments together, as well as price tags to clothing for example, and it is well known to provide fasteners that are easily broken to facilitate their removal, it would have been obvious to one skilled in the art to manufacture the fasteners of Doyel or Mooney et al. with the claimed configuration in order to facilitate easy fracturing, as well as using the tool as claimed in order to more effectively secure clothing components together and attach articles of commerce such as cardboard backing to clothing since such assemblies are known, and to do so is within the purview of the skilled artisan.

Insofar as the foregoing rejection pertains to claims 67 and 75, the rejection is moot in view of Applicants’ cancellation herein of claim 67. Insofar as the foregoing rejection pertains to claims 60-66, 68-74 and 82-95, Applicants respectfully traverse the foregoing rejection. Claim 60 recites “[a] method of fixing an article of clothing to itself, said method comprising the steps of:

(a) providing a plastic fastener, said plastic fastener comprising

(i) a flexible filament, said flexible filament having a first end, a second end, and a length, said length being suitable to fixedly retain the article of clothing against itself,

(ii) an inserting element disposed at said first end, said inserting element being dimensioned to enable its insertion through the article of clothing and, once inserted therethrough, to be retained by the article of clothing, and

(iii) a retaining element disposed at said second end, said retaining element being dimensioned to prevent said flexible filament from being pulled completely through the article of clothing; and

(b) inserting said inserting element of said plastic fastener into and completely through the article of clothing at at least a pair of locations therein, with said retaining element not being inserted into the article of clothing.”

Claim 60 is not rendered obvious over Doyel or Mooney et al. for at least the reason that, whereas claim 60 is directed to a method of fixing an article of clothing to itself, neither Doyel nor Mooney et al. is directed to a method of fixing an article of clothing to itself. Instead, Doyel discloses attaching articles, such as buttons or tags, to sheet material, such as fabric, and Mooney et al. discloses attaching one sock to another sock so that the socks will remain together during laundering. Neither Doyel nor Mooney et al. teaches attaching a piece of fabric to itself nor do they teach or suggest any reason why one of ordinary skill in the art would want to do so. Moreover, whereas claim 60 requires the use of a fastener having a filament whose length is such that the article is **fixedly** retained against itself, neither Doyel nor Mooney et al. teaches or suggests the use of a fastener having a similarly sized filament. Instead, as clearly seen, for example, in Fig. 14a of Doyel, even after the button 48 has been coupled to the sheet of fabric 50, there is enough slack in the filament of fastener 46 for button 48 to be moved relative to fabric 50; consequently, it cannot fairly be said that button 48 is **fixed** to fabric 50. In the case of Mooney et al., it would not make sense for

the two socks to be **fixed** relative to one another since this would affect the laundering of the socks (i.e., the fixed-together portions of the socks would not be cleaned as well as the other portions). Moreover, in view of the cutting implement taught by Mooney et al. for severing the fastener used to couple the socks, if the fastener were sized so as to fix together the socks, the socks would likely be damaged by the cutting implement.

Claims 61-66 depend from claim 60 and are patentable over Doyel or Mooney et al. based at least on their respective dependencies. In addition, claims 61, 62, 65 and 66 are further patentable over Doyel or Mooney et al. for at least the reason that neither Doyel nor Mooney et al. teaches or suggests the tensile strengths recited in the claims. The claimed tensile strengths are such that, in most instances, the filament may be severed merely by pulling apart the portions of the article of clothing that have been fixed together. The fact that Mooney et al. provides a cutting implement 30 strongly suggests that the claimed tensile strengths are not envisioned by Mooney et al. since such an implement would not ordinarily be needed for such tensile strengths. With respect to Doyle, one would not expect the tensile strength of the fastener disclosed therein to be anywhere near the claimed range since a button attached with such a fastener would too easily become detached from its article.

Claim 68 recites “[a] method of fixing an article of commerce to a support, wherein the article of commerce is a dress shirt and wherein the support is a cardboard backing, said method comprising the steps of:

- (a) providing a plastic fastener, said plastic fastener comprising
 - (i) a flexible filament, said flexible filament having a first end, a second end and a length, said length being suitable to fixedly retain the article of commerce against the support,

(ii) an inserting element disposed at said first end, said inserting element being dimensioned to enable its insertion through the article of commerce and the support and, once inserted therethrough, to be retained thereby, and

(iii) a retaining element disposed at said second end, said retaining element being dimensioned to prevent said flexible filament from being pulled completely through the article of commerce and the support; and

(b) inserting said inserting element of said plastic fastener into and completely through the article of commerce and the support, with said retaining element not being inserted into either the article or the support, in such a way as to fix the article of commerce to the support.”

Claim 68 is not rendered obvious over Doyel or Mooney et al. for at least the reason that, whereas claim 68 is directed to a method of fixing a dress shirt to a cardboard backing, neither Doyel nor Mooney et al. teaches or suggests fixing a dress shirt to a cardboard backing. Moreover, whereas claim 68 requires the use of a fastener having a filament whose length is such that the article is **fixedly** retained against itself, neither Doyel nor Mooney et al. teaches or suggests the use of a fastener having a similarly sized filament.

Claims 69-73 depend from claim 68 and are patentable over Doyel or Mooney et al. based at least on their respective dependencies. In addition, claims 69-73 are further patentable over Doyel or Mooney et al. for at least the reason that neither Doyel nor Mooney et al. teaches or suggests the tensile strengths recited in the claims.

Claim 74 recites “[a] method of coupling an article of commerce to a support, said method comprising the steps of:

(a) providing a plastic fastener, said plastic fastener comprising

(i) a flexible filament, said flexible filament having a first end, a second end, a tensile strength of approximately 2-4 lbs. and a length of approximately 3-5 mm;

(ii) an inserting element disposed at said first end, said inserting element being dimensioned to enable its insertion through the article of commerce and the support and, once inserted therethrough, to be retained thereby, and

(iii) a retaining element disposed at said second end, said retaining element being dimensioned to prevent said flexible filament from being pulled completely through the article of commerce and the support in the direction of said inserting element; and

(b) inserting said inserting element of said plastic fastener into and completely through the article of commerce and the support.”

Claim 74 is not rendered obvious over Doyel or Mooney et al. for at least the reason that neither Doyel nor Mooney et al. teaches or suggests the use of a fastener having a filament whose tensile strength is about 2-4 lbs. or whose length is about 3-5 mm.

Claim 82, from which claims 83-94 depend, are patentable over Doyel or Mooney et al. for at least one or more of the reasons given above.

Claim 95 recites “[a] method of coupling together two or more sheets of paper, said method comprising the steps of:

(a) providing a plastic fastener, said plastic fastener comprising

(i) a flexible filament, said flexible filament having a first end, a second end, a length and a tensile strength, said tensile strength being sufficiently strong to keep the sheets of paper coupled together during normal handling and yet sufficiently weak to enable the sheets of

paper to be separated from one another without being damaged by said plastic fastener merely by pulling the sheets of paper away from each other until said flexible filament breaks,

(ii) an inserting element disposed at said first end, said inserting element being dimensioned to enable its insertion through the sheets of paper and, once inserted therethrough, to be retained by the sheets of paper, and

(iii) a retaining element disposed at said second end, said retaining element being dimensioned to prevent said flexible filament from being pulled completely through the sheets of paper; and

(b) inserting said inserting element of said plastic fastener into and completely through the sheets of paper, with said retaining element not being inserted into the sheets of paper.”

Claim 95 is patentable over Doyel or Mooney et al. for at least the reasons that (i) neither Doyel nor Mooney et al. teaches or suggests coupling together two or more sheets of paper; and (ii) neither Doyel nor Mooney et al. teaches or suggests using a fastener having a filament whose tensile strength is of the type recited in the claim.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

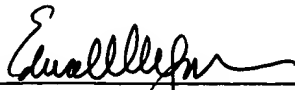
It is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

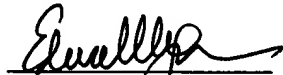
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2004.



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